



**HON. SYLVIA O. HINDS-RADIX**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

**JEFFREY F. FRANK**  
*Assistant Corporation Counsel*  
Email: [jefrank@law.nyc.gov](mailto:jefrank@law.nyc.gov)  
Cell: (929) 930-0780  
Tel: (212) 356-3541

May 26, 2022

**VIA ECF**

Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Tracy Jones, on behalf of her minor son, M.J. v. City of New York, et al.*,  
20 Civ. 4368 (VSB) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York (“City”) in the above-referenced matter. Pursuant to Your Honor’s May 24, 2022 Order (Docket Entry (“DE”) No. 77), I write jointly with Doug LaBarbera, counsel for co-defendants Police Officers Ryan Duffany and Charles Alexander, and Alex Padilla, counsel for plaintiff, to respectfully request that the Court adjourn *sine die*: (1) the post-discovery conference scheduled for tomorrow, May 27, 2022, at 10:00 a.m.; and (2) all other discovery deadlines.

The parties respectfully submit that a post-discovery conference would not be productive at this time because defendants have pending motions for judgment on the pleadings. (*See* DE Nos. 74, 78) By way of background, on March 18, 2022, the Court entered a Stipulation and Order, signed by all parties, permitting all defendants to file amended answers to the amended complaint. (Stipulation and Order, DE No. 68) On March 21, 2022, defendant City filed an amended answer asserting as an affirmative defense that this action was disposed of by a General Release executed by plaintiff on December 30, 2021 (the “12/30/21 Release”). (DE No. 69, at ¶ 55) On April 29, 2022, defendant City moved for judgment on the pleadings on the same ground. (DE Nos. 74–76) On March 29, 2022, co-defendants Duffany and Alexander filed an amended answer asserting an affirmative defense based on the 12/30/21 Release. (DE No. 70) On May 25, 2022, co-defendants Duffany and Alexander moved for judgment on the pleadings on the same ground. (DE Nos. 78–79)

As defendants submit that this action was disposed of by the 12/30/21 Release, the parties have not conducted depositions or other documentary discovery since the stay was lifted. Should the Court deny defendants' motions, the parties will need additional time to complete discovery. Accordingly, the parties respectfully request that the Court adjourn *sine die* all discovery deadlines until defendants' motions are decided. For the same reason, the parties respectfully request that the Court adjourn *sine die* tomorrow's post-discovery status conference.

The parties apologize for the lateness of these requests and thank the Court for its consideration herein.

Respectfully submitted,



Jeffrey F. Frank  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

**/s/ Douglas LaBarbera, Esq.**

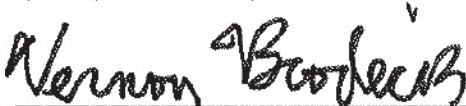
Douglas LaBarbera  
*Attorney for Co-Defendants Duffany  
and Alexander*

**/s/Alexis G. Padilla, Esq.**

Alexis G. Padilla  
*Attorney for Plaintiff*

As discussed in the conference I held today, by June 3, 2022, the parties shall meet and confer and file a joint letter providing a briefing schedule for Plaintiff's opposition briefing to the pending motions for judgment on the pleadings, as well as for a reply brief from Defendants should they deem reply briefing necessary. Plaintiff is encouraged to file one consolidated opposition brief, and Defendants are encouraged to file one consolidated reply brief. All discovery deadlines in this action will be adjourned until the pending motions are resolved.

**SO ORDERED:**



05/27/22

**HON. VERNON S. BRODERICK**  
**UNITED STATES DISTRICT JUDGE**